

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY  
MONDAY, FEBRUARY 11, 2008

House of Representatives

The House convened at 11:00 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Chavez. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Ashley Miller, Page.

### Approval of Journal

February 11, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-third Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

February 7, 2008

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

**H 373 and H 374**

As Always - Idaho, "Esto Perpetua"  
/s/ C. L. "Butch" Otter  
Governor

February 8, 2008

Mr. Speaker:

I transmit herewith enrolled **SJM 108** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **SJM 108** and, when so signed, ordered it returned to the Senate.

February 8, 2008

Mr. Speaker:

I return herewith enrolled **H 341, H 343, H 344, H 345, and H 346** which have been signed by the President.

WOOD, Secretary

Enrolled **H 341, H 343, H 344, H 345 and H 346** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 8, 2008

Mr. Speaker:

I transmit herewith **S 1326, S 1327, S 1328, S 1331, S 1333, and S 1335** which have passed the Senate.

WOOD, Secretary

**S 1326, S 1327, S 1328, S 1331, S 1333, and S 1335** were filed for first reading.

### Report of Standing Committees

February 11, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed **HCR 38, HJM 8, H 490, H 491, H 492, H 493, H 494, H 495, H 496, H 497, H 498, H 499, H 500, H 501, H 502, H 503, H 504, and H 505**.

CLARK, Chairman

**HCR 38** was filed for second reading.

**HJM 8, H 498, H 499, and H 500** were referred to the Resources and Conservation Committee.

**H 490, H 491, H 492, H 493, H 494, and H 497** were referred to the Business Committee.

**H 495 and H 496** were referred to the Commerce and Human Resources Committee.

**H 501** was referred to the Judiciary, Rules, and Administration Committee.

**H 502, H 503, H 504, and H 505** were referred to the Education Committee.

February 8, 2008

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 340 and H 342** to the Governor at 1:06 p.m., as of this date, February 8, 2008.

CLARK, Chairman

February 7, 2008

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 406** and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

**H 406** was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

House of Representatives  
State of Idaho

February 11, 2008

The Honorable Dell Raybould, Chairman  
Environment, Energy, and Technology Committee

Dear Representative Raybould:

I have designated the Environment, Energy, and Technology Committee a privileged committee in order to introduce RS 17877 on Tuesday, February 12, 2008.

Sincerely,  
/s/ LAWRENCE DENNEY  
Speaker of the House

The letter was ordered filed in the Office of the Chief Clerk.

House of Representatives  
State of Idaho

February 11, 2008

The Honorable Lenore Barrett  
Local Government Committee

Dear Representative Barrett:

I have designated the Local Government Committee a privileged committee in order to introduce RS 17589 and RS 17775C1 on Tuesday, February 12, 2008.

Sincerely,  
/s/ LAWRENCE DENNEY  
Speaker of the House

The letter was ordered filed in the Office of the Chief Clerk.

### HOUSE CONCURRENT RESOLUTION NO. 39 BY ENVIRONMENT, ENERGY, AND TECHNOLOGY COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND  
REJECTING A CERTAIN RULE OF THE IDAHO BUREAU OF  
OCCUPATIONAL LICENSES PERTAINING TO RULES OF

### THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Bureau of Occupational Licenses pertaining to Rules of the Board of Drinking Water and Wastewater Professionals is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals, Section 300, relating to Requirements for License, Subsection 02, second sentence, only, and not any paragraph thereunder, Rules of the Idaho Bureau of Occupational Licenses, as adopted as a pending rule under Docket Number 24-0501-0701, be, and the same is hereby rejected and declared null, void and of no force and effect.

### HOUSE CONCURRENT RESOLUTION NO. 40 BY HEALTH AND WELFARE COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND  
ENCOURAGING THE DEPARTMENT OF HEALTH AND  
WELFARE TO PROCEED WITH THE DEVELOPMENT OF A  
MEDICAID MEDICATION THERAPY MANAGEMENT  
PROGRAM.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the quality of medical care through the use of prescription drugs is enhanced through the reduction of inappropriate and medically unnecessary drug therapy; and

WHEREAS, Medication Therapy Management (MTM) programs have been shown to improve the quality of care by reduction of inappropriate and medically unnecessary drug use; and

WHEREAS, the MTM program is a mechanism for Medicaid in partnership with pharmacists and prescribers to improve medication outcomes through evaluation of a Medicaid participant's drug therapy; and

WHEREAS, the MTM program can increase the efficiency and effectiveness of the Medicaid program by providing prescribers with the tools and information needed to better serve Idaho Medicaid participants; and

WHEREAS, the MTM goals of improved overall health status of Medicaid participants through appropriate medication use and decreased Medicaid drug cost can be met through collaboration among prescribers, Idaho Medicaid participants and pharmacists; and

WHEREAS, research has demonstrated a cost avoidance of approximately four dollars for adverse medical outcomes for every dollar spent on MTM.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Health and Welfare is encouraged to

proceed with the development of a Medicaid Medication Therapy Management program.

**HOUSE CONCURRENT RESOLUTION NO. 41  
BY HEALTH AND WELFARE COMMITTEE**

**A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND URGING THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO UTILIZE CERTAIN MEDICAID FUNDS TO HELP IDAHOANS RETAIN PRIVATE HEALTH INSURANCE COVERAGE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, improving and protecting the health of all Idahoans is a primary issue and an important goal of the state; and

WHEREAS, promoting the availability of private health insurance to children and families and to adults and their dependent spouses is necessary to improve and protect the health of all Idahoans; and

WHEREAS, helping Idahoans maintain private health insurance coverage, rather than relying on state Medicaid programs, is an important goal; and

WHEREAS, Idahoans desire to keep private health insurance coverage but increasingly cannot afford the high cost of health insurance; and

WHEREAS, private health insurance coverage is more cost-effective for the state than direct Medicaid programs; and

WHEREAS, increasing the availability of private health insurance coverage provides economic relief to those health care providers who provide uncompensated care; and

WHEREAS, the consensus of reform goals promotes employer-sponsored health insurance for employees; and

WHEREAS, a combination of public and individual contributions to the cost of coverage through premium payments may help encourage more individual responsibility over health care choices and dissuade "crowding out" of private coverage; and

WHEREAS, in light of rapidly rising health care costs, the state must continuously search for ways to make health care services affordable to low-income individuals and families at as low a cost to the state as possible; and

WHEREAS, all Idahoans should have access to essential health services that are affordable; and

WHEREAS, health insurance premium assistance builds on the employer-based system, the principal mechanism for providing health insurance in the United States; and

WHEREAS, health insurance premium assistance would enable all members of a family to be covered in the same health plan.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Department of Health and Welfare is urged to utilize appropriate portions of Medicaid Disproportionate Share Hospital funds to help individuals of this state retain private health insurance coverage.

**HCR 39, HCR 40, and HCR 41** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 506  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING SECTION 33-5502, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND GOAL; AMENDING SECTION 33-5504, IDAHO CODE, TO REVISE DUTIES OF THE ACADEMY BOARD OF DIRECTORS; AMENDING CHAPTER 55, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5504A, IDAHO CODE, TO PROVIDE THAT THE IDAHO DIGITAL ACADEMY SHALL BE A GOVERNMENTAL ENTITY, TO PROVIDE FOR LIABILITY, TO PROVIDE FOR INSURANCE, TO PROVIDE FOR UNLAWFUL ACTS AND TO PROVIDE FOR RELATIVES OF DIRECTORS BEING CONSIDERED FOR EMPLOYMENT; AMENDING CHAPTER 55, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5504B, IDAHO CODE, TO CREATE THE IDAHO DIGITAL LEARNING ACADEMY FUND AND TO PROVIDE FOR EXPENDITURES AND A BUDGET; AMENDING SECTION 33-5505, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-5506, IDAHO CODE, TO REVISE PROVISIONS REGARDING COURSES, CREDIT EARNED IN COURSES AND ACCREDITATION; AMENDING SECTION 33-5507, IDAHO CODE, TO DELETE REFERENCE TO SECONDARY SCHOOL; AMENDING SECTION 59-1374, IDAHO CODE, TO PROVIDE THAT THE IDAHO DIGITAL LEARNING ACADEMY IS AN EMPLOYER FOR PUBLIC EMPLOYEE RETIREMENT SYSTEM PURCHASES; AND AMENDING SECTION 63-36220, IDAHO CODE, TO PROVIDE THAT THE IDAHO DIGITAL LEARNING ACADEMY IS AN EDUCATIONAL INSTITUTION.

**HOUSE BILL NO. 507  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO MANAGED CARE REFORM; AMENDING SECTION 41-3932, IDAHO CODE, TO PROVIDE THAT THE MANAGED CARE REFORM ACT SHALL NOT APPLY TO CERTAIN PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO PROVIDE FOR RULES.

**HOUSE BILL NO. 508  
BY HEALTH AND WELFARE COMMITTEE  
AN ACT**

RELATING TO SUBSTANCE ABUSE; AMENDING SECTION 39-302, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO ALPHABETIZE DEFINITIONS; AMENDING SECTION 39-304, IDAHO CODE, TO REVISE ELEMENTS FOR THE COMPREHENSIVE PROGRAM FOR TREATMENT; AMENDING SECTION 39-306, IDAHO CODE, TO REVISE ELEMENTS FOR BOARD OF HEALTH AND WELFARE RULES FOR TREATMENT PROGRAMS; AND AMENDING SECTION 39-307, IDAHO CODE, TO REVISE ELEMENTS OF VOLUNTARY TREATMENT PROGRAMS AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 509**  
**BY HEALTH AND WELFARE COMMITTEE**  
 AN ACT

RELATING TO PUBLIC ASSISTANCE AND THE IDAHO PRESCRIPTION DRUG PROGRAM; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 14, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO CREATE THE IDAHO PRESCRIPTION DRUG PROGRAM AND PROVIDE A PURPOSE, TO PROVIDE FOR THE APPOINTMENT OF AN ADMINISTRATOR AND TO SET FORTH DUTIES, TO PROVIDE FOR PROGRAM PARTICIPANTS, TO PROVIDE FOR TERMS OF THE PROGRAM, TO PROVIDE FOR DIFFERENT REIMBURSEMENT RATES OR PRESCRIPTION DRUG PRICES, TO PROVIDE FOR PHARMACY ENROLLMENT IN THE PROGRAM, TO PROVIDE CERTAIN RESTRICTIONS AND CERTAIN DUTIES OF THE ADMINISTRATOR, TO PROVIDE FOR APPLICATION AND PARTICIPATION IN THE PROGRAM, TO PROVIDE FOR PROGRAM PRESCRIPTION DRUG PRICES AND IDENTIFICATION CARDS, TO PROVIDE FOR A BEST CHOICE DRUG GUIDE, TO CREATE THE PRESCRIPTION DRUG PURCHASING FUND, TO PROVIDE FOR APPROPRIATIONS, TO AUTHORIZE THE ADOPTION OF RULES AND TO PROVIDE FOR A REPORT.

**HOUSE BILL NO. 510**  
**BY HEALTH AND WELFARE COMMITTEE**  
 AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1707, IDAHO CODE, TO SET FORTH EXPERIENCE FOR PHARMACIST MEMBERS OF THE BOARD OF PHARMACY; AND AMENDING SECTION 54-1709, IDAHO CODE, TO REVISE PROVISIONS FOR APPOINTMENT OF BOARD MEMBERS AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 511**  
**BY HEALTH AND WELFARE COMMITTEE**  
 AN ACT

RELATING TO CHILD MORTALITY PREVENTION; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE A PUBLIC RECORDS EXCEPTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 20, TITLE 39, IDAHO CODE, TO STATE LEGISLATIVE INTENT, TO PROVIDE FOR THE PURPOSE OF THE CHILD MORTALITY PREVENTION TEAM, TO DEFINE TERMS, TO PROVIDE FOR CHILD MORTALITY PREVENTION TEAM MEMBERSHIP, ORGANIZATION AND DUTIES, TO PROVIDE FOR CHILD MORTALITY PREVENTION TEAM ACCESS TO RECORDS, TO PROVIDE FOR PUBLIC ACCESS TO RECORDS AND INFORMATION, TO PROVIDE FOR THE RELEASE OF INFORMATION AND TO PROVIDE FOR THE CHILD MORTALITY PREVENTION TEAM FUND.

**HOUSE BILL NO. 512**  
**BY HEALTH AND WELFARE COMMITTEE**  
 AN ACT

RELATING TO HEALTH AND SAFETY AND THE

IDAHO ANATOMICAL GIFT ACT; AMENDING CHAPTER 34, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3401A, IDAHO CODE, TO PROVIDE FOR THE STORAGE AND TRANSPORT OF HUMAN BODIES OR HUMAN BODY PARTS, TO PROVIDE FOR DUTIES OF THE DEPARTMENT OF HEALTH AND WELFARE, TO AUTHORIZE RULES, TO PROVIDE FOR CIVIL ENFORCEMENT AND TO PROVIDE FOR PENALTIES.

**HOUSE BILL NO. 513**  
**BY HEALTH AND WELFARE COMMITTEE**  
 AN ACT

RELATING TO PUBLIC ASSISTANCE AND HEALTH INSURANCE; AMENDING SECTION 56-236, IDAHO CODE, TO REVISE THE TITLE; AMENDING SECTION 56-237, IDAHO CODE, TO REVISE THE PURPOSE; AMENDING SECTION 56-238, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 56-239, IDAHO CODE, TO PROVIDE A BENEFIT PLAN FOR CERTAIN CHILDREN AND TO DELETE A PROVISION CREATING AN ADVISORY BOARD; REPEALING SECTION 56-240, IDAHO CODE, RELATING TO THE CHILDREN'S ACCESS CARD PROGRAM; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-240, IDAHO CODE, TO CREATE IN THE DEPARTMENT OF HEALTH AND WELFARE THE ACCESS TO HEALTH INSURANCE PROGRAM; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-240A, IDAHO CODE, TO PROVIDE FOR PROGRAM OUTREACH AND MARKETING; REPEALING SECTION 56-241, IDAHO CODE, RELATING TO THE SMALL BUSINESS HEALTH INSURANCE PILOT PROGRAM; AMENDING SECTION 56-242, IDAHO CODE, TO REDESIGNATE THE SECTION, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO DEVELOP AN ACCESS TO HEALTH INSURANCE PROGRAM, TO ESTABLISH THE ACCESS TO HEALTH INSURANCE FUND AND TO PROVIDE FOR EXPENDITURES FROM THE FUND, TO PROVIDE FOR THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO APPLY FOR WAIVERS OF FEDERAL LAW TO SUBSIDIZE HEALTH CARE COVERAGE UNDER THE CHIP AND ACCESS TO HEALTH INSURANCE PROGRAMS, TO PROVIDE FOR RULES AND TO PROVIDE FOR PAYMENTS UNDER THE PROGRAM; AMENDING SECTION 41-406, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPROPRIATION OF CERTAIN PREMIUM TAX MONEYS; AND AMENDING SECTION 56-254, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS ARE ELIGIBLE FOR MEDICAL ASSISTANCE.

**H 506, H 507, H 508, H 509, H 510, H 511, H 512, and H 513** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1326, S 1327, S 1328, S 1331, S 1333, and S 1335**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**H 388**, by Health and Welfare Committee, was read the second time by title and filed for third reading.

**H 397, H 401, and H 423**, by Education Committee, were read the second time by title and filed for third reading.

**H 447**, by State Affairs Committee, was read the second time by title and filed for third reading.

**H 370**, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

**SCR 124**, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 369** having previously been read the third time at length, was placed before the House for final consideration.

The question being, "Shall **H 369** pass?"

Roll call resulted as follows:

AYES -- Anderson, Black, Bock, Boe, Bolz, Bradford, Chavez, Chew, Clark, Durst, Eskridge, Hart, Henbest, Henderson, Jaquet, Killen, King, Labrador, LeFavour, Luker, Patrick, Pence, Ringo, Ruchti, Rusche, Saylor, Shepherd(02), Shirley, Shively, Smith(30), Thayn, Trail, Wills. Total -- 33.

NAYS -- Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Bowers, Brackett, Chadderdon, Collins, Crane, Hagedorn, Harwood, Kren, Lake, Loertscher, Marriott, Mathews, McGeachin, Mortimer, Moyle, Nielsen, Nonini, Pasley-Stuart, Raybould, Roberts, Schaefer, Shepherd(08), Snodgrass, Stevenson, Thomas, Vander Woude, Mr. Speaker. Total -- 34.

Absent and excused -- Smith(24), Wood(35). Total --2.

Excused from voting -- Wood(27) --1.

Paired Votes:

AYE -- Chavez                      NAY -- Mathews

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 369** failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

**Consideration of General Orders**

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

**Report of the Committee of the Whole House**

February 11, 2008

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 348, H 417, H 376, H 410, H 403, H 385, H 446, H 408, and H 406** and report them back without recommendation, amended as follows:

**HOUSE AMENDMENT TO H.B. NO. 348****AMENDMENT TO THE BILL**

On page 1 of the printed bill, following line 20, insert:

"SECTION 2. That Section 23-927, Idaho Code, be, and the same is hereby amended to read as follows:

23-927. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:

a. Sunday, Memorial Day, Thanksgiving and Christmas from 1 o'clock A.M., to 10 o'clock A.M. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.

b. On any other day between 1 o'clock A.M. and 10 o'clock A.M.

~~c. On any day of a general or primary election until after the time when the polls are closed. There is no prohibition against the sale of liquor by the drink during city elections unless the city has enacted an ordinance prohibiting such sales.~~

~~d. When any city or county has any ordinance further limiting the hours of sale of liquor, by the drink, then such hours shall be fixed by such ordinance.~~

(2) A county or city may, however, by ordinance, allow the sale of liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also extend until 2 o'clock A.M. the hours of the sale of liquor by the drink.

(3) Any patron present on the licensed premises after the sale of liquor has stopped as provided in subsection (1) and subsection (2) above shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

(4) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon licensed premises after the time provided for in subsection (3) shall be guilty of a misdemeanor.

(5) It shall be the duty of every person who is employed at or upon a licensed premises or who owns or manages a licensed premises and is present upon the licensed premises during the hours and at the time set forth in subsection (1) and subsection (2) of this section to lock up and keep locked up in a locked room or locked cabinet all unsealed containers of liquor during the hours and at the times set forth in subsection (1) and subsection (2) of

this section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor."

#### CORRECTIONS TO TITLE

On page 1, in line 2, following "DISPENSARY" insert: "AND HOURS OF SALE OF LIQUOR"; and in line 4, following "STATIONS" insert: "; AND AMENDING SECTION 23-927, IDAHO CODE, TO ELIMINATE THE PROHIBITION ON THE SALE OF LIQUOR BY THE DRINK ON ELECTION DAYS WHEN THE POLLS ARE OPEN".

#### HOUSE AMENDMENT TO H.B. NO. 417

##### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 35, following "residential." insert: "For the purposes of this section a state or federally licensed health care or convalescent facility is not a residential dwelling unit."

#### HOUSE AMENDMENTS TO H.B. NO. 376

##### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, delete lines 19 through 21, and in line 22, delete "(2)" and insert: "(1)"; in line 24, delete "(23)" and insert: "(2)"; in line 26, delete "(34)" and insert: "(3)"; in line 28, delete "(45)" and insert:

"(4) "Licensed associate marriage and family therapist" means any person licensed under this chapter as an associate marriage and family therapist to practice marriage and family therapy under supervision as set forth in this chapter.

(5)";

and in line 42, delete "An" and insert: "A licensed".

##### AMENDMENT TO SECTION 3

On page 3, in line 35, delete "an "associate" and insert: "a "licensed associate".

##### AMENDMENTS TO SECTION 5

On page 5, delete line 48 and insert: "a licensed associate marriage and family therapist or a licensed marriage and family therapist to"; delete line 51 and insert: "against a licensed counselor or a licensed marriage and family therapist or a licensed associate mar-"; on page 6, delete line 4 and insert: "plaint against a licensed counselor or a licensed marriage and family therapist or a licensed associate"; and delete line 9 and insert: "licensed counselor or a licensed marriage and family therapist or a licensed associate marriage and fam-".

#### CORRECTION TO TITLE

On page 1, in line 13, following "TO" insert: "LICENSED".

#### HOUSE AMENDMENT TO H.B. NO. 410

##### AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 7 through 31 and insert:

"SECTION 1. That Chapter 9, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-936, Idaho Code, and to read as follows:

54-936. CONTINUED OPERATION OF DENTAL PRACTICE -- DEATH OF SOLE PROPRIETOR DENTIST. In the case of the death of a sole proprietor dentist, the provisions of this chapter shall not be construed as prohibiting the personal representative, executor, surviving spouse or surviving heir of the dentist, upon notification to the state board of dentistry, from continuing to operate the dental practice of the deceased for a period of not more than six (6) months following death. An additional six (6) month period of operation shall be allowed upon approval of the board pursuant to rules as adopted by the board. This exception shall only apply where during such period of time there is a good faith effort being made to sell the dental practice and that all the decisions pertaining to the diagnosis, care and treatment of the patients are made by a dentist licensed and authorized to practice pursuant to the provisions of this chapter."

#### CORRECTION TO TITLE

On page 1, delete lines 2 through 5 and insert: "RELATING TO DENTISTS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-936, IDAHO CODE, TO PROVIDE FOR THE CONTINUED OPERATION OF A DENTAL PRACTICE BY THE PERSONAL REPRESENTATIVE, EXECUTOR OR SURVIVING SPOUSE OR HEIR OF A DECEASED SOLE PROPRIETOR DENTIST."

#### HOUSE AMENDMENT TO H.B. NO. 403

##### AMENDMENT TO THE BILL

On page 2 of the printed bill, delete lines 33 and 34; and renumber subsequent sections accordingly.

##### AMENDMENT TO SECTION 13

On page 9 of the printed bill, in line 35, delete "or may" and insert: "and shall"; on page 10, in line 10, following "opened" insert: "publicly"; and in line 47, delete "he determines".

##### AMENDMENT TO SECTION 19

On page 17, in line 30, following "opened" insert: "publicly".

#### CORRECTION TO TITLE

On page 1, delete lines 2 and 3, and insert: "RELATING TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION".

#### HOUSE AMENDMENT TO H.B. NO. 385

##### AMENDMENT TO SECTION 2

On page 4 of the printed bill, in line 14, delete "WAMI" and insert: "WWAMI" and also in line 14, following "Washington," insert: "Wyoming".

#### CORRECTION TO TITLE

On page 1, in line 5, delete "STUDENT."" and insert: "STUDENT" AND TO MAKE TECHNICAL CORRECTIONS."

#### HOUSE AMENDMENT TO H.B. NO. 446

##### AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 45, delete "There is a substantial showing that good" and insert: "Good".

**HOUSE AMENDMENT TO H.B. NO. 408**

**AMENDMENT TO THE BILL**

On page 5 of the printed bill, delete lines 2 through 39; and renumber subsequent sections accordingly.

**CORRECTION TO TITLE**

On page 1, in line 9, delete "AMENDING SECTION 20-227, IDAHO CODE," and in line 10, delete "TO REVISE AUTHORITY OF MISDEMEANOR PROBATION OFFICERS;".

**HOUSE AMENDMENT TO H.B. NO. 406**

**AMENDMENT TO SECTION 1**

On page 1 of the printed bill, in line 18, delete "thirty (30)" and insert: "thirty-five (35)".

We have also had under consideration **H 365**, report progress and beg leave to sit again.

BEDKE, Chairman

Mr. Bedke moved that the report be adopted. Seconded by Mr. Moyle.

Whereupon the Speaker declared the report adopted.

**H 348**, as amended, **H 417**, as amended, **H 376**, as amended, **H 410**, as amended, **H 403**, as amended, **H 385**, as amended, **H 446**, as amended, **H 408**, as amended, and **H 406**, as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

**H 365** was retained on General Orders.

The amendments were referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Tuesday, February 12, 2008. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:58 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk